

**REMARKS**

The specification has been amended. Claims 1-15 have been canceled. No new matter has been added. Claims 16-21 remain in the application. Reconsideration and reexamination is respectfully requested.

In a telephone conversation with the examiner on March 26, 2002 a provisional election was made to prosecute the invention of Group I, claims 16-21. Accordingly, in this response to the first office action, claims 1-15 have been expressly canceled without prejudice.

In paper 5, the examiner required various amendments to the specification. Applicant has added a missing period at page 2, line 15, and applicant has corrected a drawing reference number at page 6, line 9. Applicant respectfully traverses other changes requiring deletion of phrases and commas. Applicant has also deleted the "field of invention" section and the "summary of the invention" section.

In paper 5, claims 16 and 20 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent Number 5,153,745 (Brandkamp *et al.*), claim 17 was rejected under 35 U.S.C. § 103 as allegedly unpatentable over Brandkamp *et al.* in light of U.S. Patent Number 6,054,707 (Hou), and claim 21 was rejected under 35 U.S.C. § 103 as allegedly unpatentable over Brandkamp *et al.* in light of U.S. Patent Number 5,153,745 (Suzuki). Applicant respectfully traverses.

In each of independent claims 16 and 21, the intensity of the illumination is monitored or measured, along substantially the length of the scanline, during scanning. Brandkamp *et al.* do not teach or suggest monitoring the intensity of the illumination, along substantially the length of the scanline, during scanning. Brandkamp *et al.*, column 4, lines 7-13, expressly states that during scanning that the lamp is monitored "outside of the active imaging scan area." The examiner cites Brandkamp *et al.*, column 4, lines 53-57. The cited text merely states that the lamp is moved relative to the platen for document scanning. It does not teach or suggest monitoring the intensity of illumination, along substantially the length of the scanline, during scanning. Note that during scanning, what is sensed by the photosensors is light partially scattered from a document, and since that scattering is

modified by the image on the document, it is not representative of the intensity of the illumination.

In addition, independent claims 16 and 21 specify that an output of an imaging array is modified during scanning, in response to the intensity being monitored or measured. Assuming, for the sake of argument, that Brandkamp *et al.*, column 4, lines 53-57 teach monitoring of illumination intensity as asserted by the examiner, there is no teaching or suggestion in Brandkamp *et al.* for modifying an output of an imaging array in response to the intensity being monitored. The examiner cites column 4, lines 7-10, which as noted above, expressly states that illumination is not being monitored substantially along the entire length of the scanline.

Claim 17 specifies that the color of illumination is monitored, along substantially the entire length of the scanline, during scanning. The examiner cites Hou, column 6, lines 48-67 and figure 5B. The cited text and figure merely disclose that different color light sources are used for the light being transmitted through a document. As noted above, the document being scanned modifies that light, so that what is being sensed by the scanning photosensor arrays is not representative of the color of the illumination.

Claim 21 specifies measuring the intensity of illumination, along substantially the entire length of the scanline, twice during scanning, interpolating between the two measurements, and using the interpolated values to modify stored outputs of the imaging array. The examiner concludes, without a specific citation to Suzuki, that Suzuki teaches measuring the intensity of illumination, along substantially the entire length of a scanline, twice during scanning, and interpolating between the two measurements, and using the interpolated values to modify stored outputs of an imaging array. In addition, for a rationale for combining Brandkamp *et al.* and Suzuki, the examiner states that they are "from the same scope of nature".


First, Suzuki does not interpolate between measurements. The calculation at column 6, line 55, is not an interpolation.

Second, Suzuki is not using interpolated intensity values to modify stored outputs of an imaging array as specified in claim 21. Suzuki, which is not a scanner, has no imaging array.

Third, from MPEP 2141.01(a), the proper test for analogous art is "field of applicant's endeavor", or "reasonably pertinent to the particular problem with which the invention is concerned." Suzuki is not in the field of applicant's endeavor, which is image scanning. In addition, Suzuki is not reasonably pertinent to the particular problem with which the invention is concerned, which is illumination varying in real time during scanning.

Entry of this amendment is respectfully requested. This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

by   
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